

REMARKS

Reconsideration of the above-identified application in view of the present amendment is respectfully requested.

By the present amendment, claims 8, 16, and 18 have been amended, and claims 32-36 have been added. With respect to claim 18, Applicants respectfully submit that the amendment to claim 18 is necessary to more clearly convey arguments presented previously in response to the Office Action of December 19, 2000. Claims 8 and 16 have been amended, and claims 32-36 have been added, to more clearly define the present invention over the prior art. Claims 1-21 and 23-36 are pending in the application.

In the Office Action, claim 1 was rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 3,648,898 issued to Day in view of U.S. Patent No. 5,242,194 issued to Popek. Claim 10 was rejected in view of Day and Popek and in further view of U.S. Patent No. 6,056,316 issued to Yamaji et al.

Applicants respectfully submit that the teachings of Day and Popek, alone or in combination, do not teach or suggest all of the elements recited in claims 1 and 10. Specifically, neither Day, Popek, nor Yamaji et al. teach or suggest a rupturable closure member having a first portion deformed into the chamber by the pressure of the inflation fluid. The Office action states that this feature is inherent in Day. Applicants respectfully submit, however, that Day clearly teaches away from this assertion. As stated in column 1,

lines 55-56 of Day, the closure member 16 is a "conventional domed metal diaphragm" including "a tapered peripheral flange." This clearly indicates that the closure member 16 taught by Day has pre-formed domed and flange portions. The closure member 16 taught in Day thus is not deformed into the opening by the pressure of the inflation fluid. Therefore, Applicants respectfully submit that claims 1 and 10 are allowable. Claims 2-9, 23-27, 32 and 34, depending from claim 1 are allowable as depending from an allowable claim and for the specific limitations recited therein. Claims 11-17, 28-30, 33 and 35, depending from claim 10 are allowable as depending from an allowable claim and for the specific limitations recited therein.

Regarding new claims 34 and 35, neither Day nor Popek teach or suggest a support including a side wall that has an inner surface defining a chamber and an opposite outer surface, wherein the inflation fluid flows around the support adjacent the outer surface and through an outlet passage when the closure member is ruptured.

In the Office Action, claims 18-20 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,145,876, issued to Hamilton.

As amended, claim 18 recites an inflatable vehicle occupant protection device that is inflatable into a position between the side structure of the vehicle and a vehicle occupant and an inflator for providing inflation fluid for inflating the inflatable vehicle occupant protection device and for maintaining the inflatable vehicle occupant protection

device in an inflated condition for at least seven seconds. The inflation fluid for inflating the inflatable vehicle occupant protection device and for maintaining the inflatable vehicle occupant protection device in an inflated condition for at least seven seconds consists essentially of an inflation fluid stored under pressure. The inflation fluid for inflating the inflatable vehicle occupant protection device and for maintaining the inflatable vehicle occupant protection device in an inflated condition for at least seven seconds consists essentially of helium.

The transitional phrase "consisting essentially of" limits the scope of a claim to the specified materials and those that do not materially affect the basic and novel characteristics of the claimed invention. *In re Herz* (emphasis added, See MPEP 2111.03). Claim 18 thus recites an inflation fluid for inflating the inflatable vehicle occupant protection device and for maintaining the inflatable vehicle occupant protection device in an inflated condition for at least seven seconds, wherein the inflation fluid is limited to an inflation fluid stored under pressure and wherein the inflation fluid is limited to helium.

Hamilton teaches an inflator system including a pyrotechnic material for generating inflation fluid and a stored gas inflation fluid, wherein the stored gas is for supplementing the pyrotechnic material. (See column 1, lines 50-55). Hamilton is thus directed towards supplementing a pyrotechnic inflator with a stored gas inflator in order to maintain inflation of the inflatable for an extended period of

time. (See column 17, lines 7-12). Hamilton clearly is not limited to an inflation fluid stored under pressure wherein the inflation fluid is limited to helium. Therefore, Applicants respectfully submit that Hamilton does not teach or suggest all of the elements recited in claim 18.

For the reasons stated above, Applicants respectfully submit that claim 18, as amended, is allowable. Claims 19-21, depending from claim 18, are thus allowable as being dependent on an allowable claim and also for the specific reasons recited therein.

Regarding new claim 36 neither Day nor Popek teach or suggest an inflator including a rupturable closure member fixed to a container and blocking flow of inflation fluid from the container, and a support for the closure member that defines a chamber, wherein the closure member has a first portion deformed into the chamber by the pressure of the inflation fluid and a second ring-shaped portion encircling the first portion outside of the chamber, and wherein the first and second portions have a substantially flat configuration prior to the inflation fluid being introduced into the container. Therefore, Applicants respectfully submit that new claim 36 is allowable.

Attached is a marked-up version of the amended claims presented in this Amendment. The attached page is captioned **"Version With Markings To Show Changes Made."**


In view of the foregoing, it is respectfully submitted that the above identified application is in condition for

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allowance, and allowance of the above-identified application
is respectfully requested.

Please charge any deficiency or credit any overpayment in
the fees for this amendment to our Deposit Account
No. 20-0090.

Respectfully submitted,


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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Please amend claims 8, 16, and 18 as follows:

8. (Amended) An apparatus as defined in claim 1 wherein said rupturable closure member has a third portion encircling said second portion and further including a ~~weld~~ connection between said third portion and said container.

16. (Amended) An apparatus as defined in claim 10 wherein said rupturable closure member has a third portion encircling said second portion and further including a ~~weld~~ connection between said third portion and said container.

18. (Twice Amended) An apparatus for helping to protect an occupant of a vehicle that has a side structure, said apparatus comprising:

an inflatable vehicle occupant protection device that is inflatable into a position between the side structure of the vehicle and a vehicle occupant; and

an inflator for providing inflation fluid for inflating said inflatable vehicle occupant protection device and for maintaining said inflatable vehicle occupant protection device in an inflated condition for at least seven seconds, said inflation fluid for inflating said inflatable vehicle occupant protection device and for maintaining said inflatable vehicle occupant protection device in an inflated condition for at least seven seconds ~~inflator~~ consisting

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essentially of ~~a stored~~ an inflation fluid stored under pressure, said inflation fluid for inflating said inflatable vehicle occupant protection device and for maintaining said inflatable vehicle occupant protection device in an inflated condition for at least seven seconds consisting essentially of helium.